

Entered -- 03-30-04 & 09-02-04 - sb  
CL 04L0203 & 04L0568 - GWENDOLYN BURNS

CLAIM OF: **JAMES J. HO, M.D.**  
9802 Wildwood Drive  
Wise, Virginia 24293

**04-R-1910**

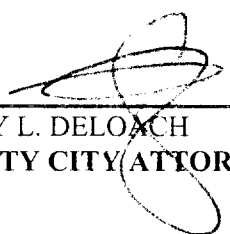
ADOPTED BY  
NOV 01 2004  
COUNCIL

For property damages allegedly sustained from two sanitary sewer back ups on October 24, 2003 and August 24, 2004 at 591 10<sup>th</sup> Street, NW.

**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:**

**BE IT RESOLVED** by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **JAMES J. HO, M.D.** the sum of **\$6,848.50** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for property damages allegedly sustained from two sanitary sewer back ups on October 24, 2003 and August 24, 2004 at 591 10<sup>th</sup> Street, NW as is more particularly set forth in the within claim; said sum taken from and charged to account **2J01/529017/Q30001**.

APPROVED: **LINDA K. DISANTIS**  
CITY ATTORNEY

BY:   
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

**FAVORABLE REPORT**

**PUBLIC SAFETY &**

**LEGAL ADMINISTRATION COMMITTEE**

DATE: 10/26/04

CHAIR: C. T. Martin

Clara Maxwell

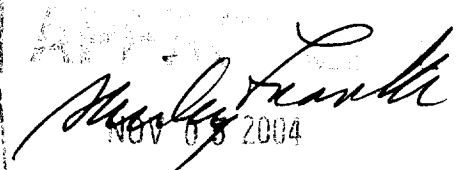
Clara Maxwell

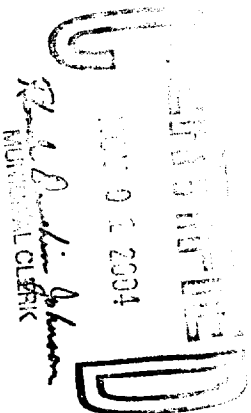
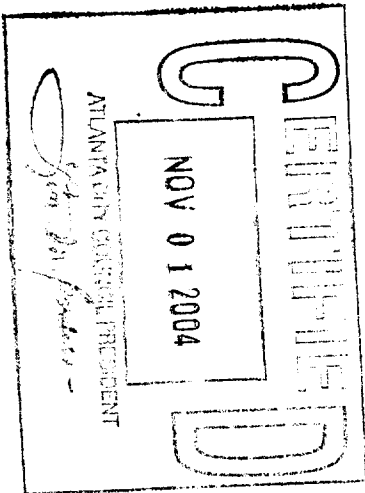
Clara Maxwell

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Clara Maxwell

  
NOV 08 2004  
CLERK





**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**04-R-1910**

**A RESOLUTION**

**BY PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that the action of the Department of Law be approved in authorizing payment to **James J. Ho, M.D.** in the sum of **\$6,848.50** settlement and satisfaction of all claims, past, present and future, of every kind and character, for damages alleged to have been sustained **from two sanitary sewer back ups on October 24, 2003 and August 24, 2004 at 591 10<sup>th</sup> Street, NW** on as is more particularly set forth in the within claim; said sum taken from and charged to Account 2J01/529017/Q30001, Settlement of Suits and Claims, Department of Law.

A true copy,

*Rhonda Daughlin Johnson*  
Municipal Clerk, CMC

ADOPTED by the Council  
APPROVED by the Mayor

NOV 01, 2004  
NOV 05, 2004

## DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 04L0203 & 04L0568

Date: October 12, 2004

Claimant /Victim JAMES J. HO, MD  
BY: (Atty) (Ins. Co.) \_\_\_\_\_  
Address: 9802 Wildwood Drive, Wise, Virginia 24293  
Subrogation: Claim for Property damage \$ 6,848.50 Bodily Injury \$ \_\_\_\_\_  
Date of Notice: 3/30/04 & 8/30/04 Method: Written, Proper X Improper \_\_\_\_\_  
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X  
Date of Occurrence 10/24/03 & 8/24/04 Place: 591 10<sup>th</sup> Street, NW  
Department WATERSHED MANAGEMENT Bureau: Wastewater Treatment and Collections  
Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: Claimant sustained damage from two sewer backups. An investigation determined that the City was on notice of the problem but failed to properly assess the cause and correct the matter.

### INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_  
Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X  
Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_  
Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

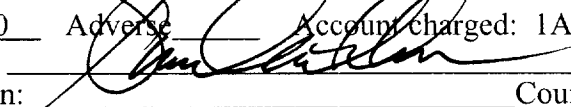
### BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_  
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_  
City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_  
Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_  
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
INVESTIGATOR - GWENDOLYN BURNS

### RECOMMENDATION:

Pay \$ \$6,848.50 Adverse \_\_\_\_\_ Account charged: 1A01 \_\_\_\_\_ 2J01 X 2P01 \_\_\_\_\_ 2H01 \_\_\_\_\_  
Claims Manager:  Concur/date 10/20/04  
Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 6199  
11/01/04  
1:42 PM

Atlanta City Council

Regular Session

CONSENT I

CONSENT I PGS 3-15

ADOPT

YEAS: 11  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 3

Y Smith	B Archibong	Y Moore	Y Mitchell
Y Starnes	B Fauver	B Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	NV Sheperd	NV Borders

CONSENT I

11-01-04 Council Meeting		
ITEMS ADOPTED ON CONSENT	ITEMS ADOPTED ON CONSENT	ITEMS ADVERSED ON CONSENT
1. 04-O-1626 2. 04-O-1795 3. 04-O-1796 4. 04-O-1828 5. 04-O-1819 6. 04-O-1929 7. 04-O-1758 8. 04-O-1932 9. 04-O-1430 10. 04-O-1926 11. 04-O-1885 12. 04-O-1937 13. 04-O-1941 14. 04-R-1893 15. 04-R-1894 16. 04-R-1895 17. 04-R-1916 18. 04-R-1917 19. 04-R-1918 20. 04-R-1920 21. 04-R-1896 22. 04-R-1897 23. 04-R-1898 24. 04-R-1899 25. 04-R-1930 26. 04-R-1884 27. 04-R-1886 28. 04-R-1888 29. 04-R-1889 30. 04-R-1890 31. 04-R-1891 32. 04-R-1928 33. 04-R-1938 34. 04-R-1870 35. 04-R-1871 36. 04-R-1874 37. 04-R-1945	38. 04-R-1878 39. 04-R-1940 40. 04-R-1908 41. 04-R-1909 42. 04-R-1910 43. 04-R-1911 44. 04-R-1912 45. 04-R-1913 46. 04-R-1914 47. 04-R-1915	48. 04-R-1162 49. 04-R-1172 50. 04-R-1178 51. 04-R-1782 52. 04-R-1900 53. 04-R-1901 54. 04-R-1902 55. 04-R-1903 56. 04-R-1904 57. 04-R-1905 58. 04-R-1906 59. 04-R-1907